IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

WEDNESDAY, THE 24TH JANUARY 2007 / 4TH MAGHA 1928

WP(C).No. 2728 of 2007(Y)

PETITIONER:

KERALA STATE ROAD TRANSPORT CORPORATION,
REPRESENTED BY ITS MANAGING DIRECTOR,
TRANSPORT BHAVAN, EAST FORT,
THIRUVANANTHAPURAM.

BY ADV. SHRI.JOHNSON P.JOHN, SC, KSRTC

RESPONDENTS:
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1. THE REGIONAL TRANSPORT AUTHORITY,
KOLLAM.

2. K.MANJULA, MELEPUTHEN VEEDU,
THAZHUTHALA, KOTTIYAM P.O., KOLLAM.

BY GOVT.PLEADER SRI.M.A.FAYAZ

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 24/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.BALAKRISHNAN NAIR, J.

W.P.(C).NO.2728 of 2007-Y

Dated this the 24th day of January, 2007

JUDGMENT

The second respondent applied for regular permit on the route Panayam-Kottiyam. The said application was rejected by the R.T.A., Kollam by order dated 29-5-2006. She appealed. The said appeal was allowed by Ext.P2 holding that only one intermediate point Kottiyam is touched. This writ petition is filed by the K.S.R.T.C. challenging Ext.P2. In the writ petition it is pleaded that there is overlapping of distance of 12 kms. and the route touches Kottiyam as well as Kollam which are two intermediate points. But, the K.S.R.T.C. does not have any such case in its objection filed before the S.T.A.T. The relevant portion is quoted below.

> ".....it touches and passes through the intermediate point Kottiyam."

2. Overlapping of 12 kms. is irrelevant as the scheme is not supplement but the scheme is total with exemption. The only case of the K.S.R.T.C. is that it touches and passes through

intermediate point Kottiyam. The same is not a ground reject the prayer. A point which is not taken by the S.T.A.T. cannot be allowed to be taken by this Court. In other words, the contention of the K.S.R.T.C. that Kollam is also touched which is another intermediate point cannot be taken by this Court in this writ petition, under Article 226 of the Constitution of India. Accordingly, the Writ Petition fails, and it is dismissed.

K.BALAKRISHNAN NAIR,JUDGE.

MS